

REMARKS

Status

In response to the Final Office Action mailed January 10, 2008, Applicants timely filed an Appeal Brief on June 10, 2008.

Applicants have now received a non-final Office Action dated August 21, 2008 indicating that prosecution is reopened. This Amendment is in response of this Office Action reopening prosecution.

Claims 1, 2, 4, and 6-14 were rejected. No claims have been canceled; Claim 1 has been amended; and no new claims have been added. Accordingly, Claims 1, 2, 4, and 6-14 are pending in the application, and are presented for reconsideration and allowance.

Claim Rejection - 35 USC 112

Applicants have amended Claim 1 to overcome the rejection under 35 USC 112, second paragraph.

Claim Rejection - 35 USC 112

Claims 1-2 and 6-13 stand rejected under 35 USC 102(b) as being anticipated by US Patent No. 2,056,279 (*Kulick*). This rejection is respectfully traversed.

The present invention's transport member moves in translation in a plane substantially parallel to a base of the box member, as shown in the figures and described in the Specification starting at Page 6, line 24. The transport member moves in translation in a plane to move the medium into and out of the box member. Claim 1 clearly describes the movement of the medium as being "fed into and out of the box member along its length in translation in a first plane substantially parallel to the base" of the box member.

Kulick teaches a cassette having a hinged platform 19 which determines a parallelogram (Col 2, lines 23-37) to raise and lower film 34 in a parallel relation. As described in *Kulick* at Col, 2, lines 23-37 and shown in the figures, the parallelogram moves platform 19 about a pivot point so as to maintain

platform 19 always parallel to the ceiling of the box. While platform 19 may maintain a particular orientation during movement, the actual movement of platform 19 is not in planar translation along the length of the medium in a direction parallel to the base of the box member. As clearly shown in *Kulick's* Figures 2-5, a parallelogram does not provide planar translational movement of platform 19 relative to a base of the support..

Note that *Kulick's* element 23 is a “screen” mounted on platform 19 (*Kulick* Col. 2, lines 31-33). As such, *Kulick's* element 23 is not a “transport member” as identified by the Examiner in the Final Office Action on Page 2.

Accordingly, Claim 1 is not anticipated by *Kulick*.

Claims 2 and 6-13 are dependent on Claim 1, and therefore include all the features thereof. For the reasons set forth above with regard to Claim 1, Claims 2 and 6-13 are also believed to be patentable. Applicant also notes that the dependent claims are also patentable for additional reasons by virtue of the subject matter recited in each dependent claims. For example, the cited reference fails to disclose the recited features of dependent Claim 6, as *Kulick* does not use a frictional force between the medium and transport member to promote translation of the medium. Rather, an operator removes/inserts film 34 from hinged platform 19.

Claim Rejection - 35 USC 103

Claims 4 and 14 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 2,056,279 (*Kulick*) in view of US Patent No. 4,434,501 (*Pfeiffer*). This rejection is respectfully traversed.

Claim 4 recites that the planar surface of the transport member is comprised of neoprene for friction control.

Claim 4 is dependent on Claim 1, and therefore includes all the features thereof. For the reasons set forth above with regard to Claim 1, Claim 4 is also believed to be patentable.

Claim 4 is also patentable for additional reasons by virtue of the subject matter recited in the claim. For example, *Pfeiffer* does not disclose neoprene, as *Pfeiffer* mentions only “foamy plastic”. Further, the Final Office

Action indicates that *Pfeiffer's* “foamy plastic” can be used “to provide cushioning and protection for the phosphor sheet”.

In contrast, the present invention employs neoprene as a surface of the transport member to control the frictional interaction of the medium, as described in the Specification on Page 7, lines 12-17. More particularly, this material allows the medium to stick/adhere/contact to the transport member for insertion and extraction, yet also allow slippage when the medium is extracted/inserted from the cassette.

Thus, even if – for argument purposes only - *Pfeiffer's* “foamy plastic” were combined with *Kulick* as suggested in the Final Office Action, the present invention would not result since *Pfeiffer* teaches neoprene's use for cushioning/protection and does not teach the present invention's use of the neoprene for controlling frictional interaction.

Accordingly, Claim 4 is believed to be patentable.

With specific regard to Claim 14, Claim 14 recites that the transport member comprises a planar frictional control surface comprised of neoprene adapted to affect friction control between the medium and the transport member.

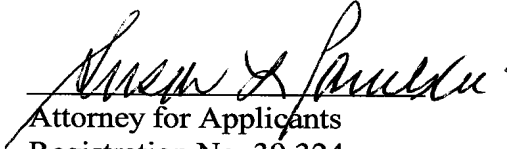
Claim 14 is dependent on Claim 1, and therefore includes all the features thereof. For the reasons set forth above with regard to Claim 1, Claim 14 is also believed to be patentable. In addition, Claim 14 recites a structural difference between the claimed invention and the prior art – more particularly, the feature of a planar frictional control surface of the transport member. This feature is not described in either *Kulick* or *Pfeiffer*. Accordingly, Claim 14 is believed to be patentable.

Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,


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If unable to reach the Applicant(s) Attorney at the telephone number provided, please communicate with Carestream Health, Inc. at 585/627-6740 or 585/627-6687.